

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CHICAGO & VICINITY LABORERS’  
DISTRICT COUNCIL PENSION FUND,  
CHICAGO & VICINITY LABORERS’  
DISTRICT COUNCIL WELFARE FUND,  
CHICAGO & VICINITY LABORERS’  
DISTRICT COUNCIL RETIREE HEALTH  
AND WELFARE FUND, and CATHERINE  
WENSKUS, not individually but as  
Administrator of the Funds,  
Plaintiffs,**

**V.**

**MADISON CONSTRUCTION COMPANY,** )  
an Illinois corporation, )  
**Defendant.** )

**Case no. 23 C 4646**

**Honorable Virginia M. Kendall**

## **PLAINTIFFS' MOTION FOR AGREED JUDGMENT**

NOW COMES, Plaintiffs Chicago & Vicinity Laborers’ District Council Pension Fund, Chicago & Vicinity Laborers’ District Council Welfare Fund, Chicago & Vicinity Laborers’ District Council Retiree Health & Welfare Fund, and Catherine Wenskus, not individually but as Administrator of the Funds, (collectively herein the “Funds”), by and through their attorney, Sara S. Schumann; and Defendant Madison Construction Company, an Illinois corporation, by and through its attorney, John hereby move this Court for Entry of the Parties’ Agreed Judgment in favor of the Funds and against Defendant Madison Construction Company (“Madison”). In support of this Motion, Plaintiffs state as follows:

1. On July 18, 2023, Plaintiffs filed their two count Complaint against Defendant Madison for failure to report and pay monthly amounts for its employees respective benefit contributions to Plaintiffs the Funds (Count I), and for unpaid dues (Count II) to the Construction and General Laborers' District Council of Chicago & Vicinity (the "Union"), for which the Funds

have been authorized to collect on behalf of the Union, and as discovered owed by an audit, covering the period from January 1, 2017 through June 30, 2021 (the “Audit”).

2. On September 1, 2023, Madison waived service and then presented challenge evidence that warranted further research and review, and ultimately resulted in the Funds having the auditor revise the Audit down significantly.

3. On May 31, 2024, that revised Audit was presented to Madison with all amounts owed, including the Funds’ attorneys’ fees and court costs incurred to that date, in pursuit of the collection of the Audit findings in this action, as follows:

\$ 755.03	Principal Contributions and Dues
\$ 146.31	Liquidated Damages
\$ 225.18	Accumulated Interest
\$ 9,840.00	Attorneys’ Fees and Costs
<u>\$ 4,297.50</u>	<u>Audit Costs</u>
<b>\$15,294.02</b>	<b>Total Agreed Judgment Amount</b>

4. On June 11, 2024, Madison’s counsel informed the undersigned at the Court status that Madison would agree to judgment for the above amounts, which remain owed at this time.

5. On June 25, 2024, the undersigned sent a copy of this motion to Madison’s counsel in this action to confirm that Madison agrees that the above amounts are owed to the Funds, agrees that an Agreed Judgment Order issued for those damages is appropriate under the circumstances, and that the Agreed Judgment Order will be presented to Madison’s receiver, as soon as it can be entered.

6. As both Parties are in agreement with the proposed agreed judgment order, which is attached hereto, Plaintiffs’ respectfully request that the Court enter judgment in favor of the Funds and against Madison, in the total amount of \$15,294.02.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of the Funds and against Madison Construction Company in the total amount of \$15,294.02 and enter the Agreed Judgment Order, which draft is attached hereto.

Respectfully submitted,

Laborers' Pension and Welfare Funds,

July 10, 2024

By: /s/ Sara S. Schumann  
*One of Plaintiffs' attorneys*

Office of Fund Counsel  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
(312) 692-1497  
[SaraS@chilpwf.com](mailto:SaraS@chilpwf.com)

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that she caused a copy of the foregoing Motion for Entry of an Agreed Judgment Order to be sent by filing of the same with the Court's electronic filing system to all those to receive such service, including the following person and entity on this 10th day of July, 2024.

John P. Cooney  
Cooney Corso & Moynihan LLC  
1311 Butterfield Rd., Suite 308  
Downers Grove, IL 60515  
(630) 675-2828  
[JCooney@ccvmlaw.com](mailto:JCooney@ccvmlaw.com)

*(Counsel for Defendant)*

/s/ Sara S. Schumann